

**Notice of Allowability**

Application No.

10/024,669

Examiner

Arthur L. Corbin

Applicant(s)

MCGREW ET AL.

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1761

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 01-19-06 Appeal Brief.
2. ☒ The allowed claim(s) is/are 1-3,5-12,15,16,18-20,28-35,38-40,42-49 (renumbered 1-35).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date 021406.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Barrett on February 14, 2006.

2. In claim 1: line 2, change "both include" to - - each includes - -; and line 3, cancel "is designed to", make "provide" plural, and after "gum" add - - , wherein said metal salt is selected from the group consisting of food acceptable zinc and copper salts - -. In line 4 of each of the following claims, cancel "zinc iodide;": claim 5 (renumbered 6), claim 18 (renumbered 14), claim 30 (renumbered 19) and claim 46 (renumbered 32). In line 4 of each of the following claims, cancel "copper iodide;": claim 6 (renumbered 7), claim 19 (renumbered 15), claim 31 (renumbered 20) and claim 42 (renumbered 28). In claim 12 (renumbered 11): line 2, cancel "is designed to", make "provide" plural, and after "characteristics" add - - to a consumer of the chewing gum product and being selected from the group consisting of food acceptable zinc and copper salts - - and line 5, change "a" (last occurrence) to - - the - -. In claim 28 (renumbered 17): line 1, before "product" add - - chewing gum - - and change "designed to provide" to - - that provides - - ; line 2, after "properties" add - - to a consumer of the chewing gum product - -; and lines 3 and 6, after "of" add - - food acceptable - -. In claim 34 (renumbered 25): line 2,

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cancel the comma; line 4, change "being prepared with" to - - each including a therapeutically effective amount of - - and change "ingredient...provide" to - - that provides - -; and line 5, change ", the combined amount...amount" to - - to a consumer of the chewing gum, wherein said metal salt is selected from the group consisting of food acceptable zinc and copper salts - -. In claim 35 (renumbered 26), line 2, add a comma after "includes". In claim 40 (renumbered 27): line 2, before "gum" insert - - coated - -, change "and" (1<sup>st</sup> occurrence) to a comma, and between "portion" and the semicolon, add - - and a copper salt that provides breath freshening characteristics to a consumer of the chewing gum product - -; and line 3, after "coating" add - - surrounding the gum center and - - and after "salt" add - - that provides breath freshening characteristics to a consumer of the chewing gum product - -. Cancel claims 4, 17, 37 and 41.

3. In the Abstract, line 5, after "malodors" add - - associated with bad breath - -.
4. In the title of the application, cancel "And Related Products".

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arthur L. Corbin whose telephone number is (571) 272-1399. The examiner can normally be reached on Monday-Friday from 10:30 AM to 8:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton I. Cano, can be reached on (571) 272-1398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Arthur L Corbin  
Primary Examiner  
Art Unit 1761

2-14-06